

REMARKS

The Office action mailed August 25, 2004 has been carefully considered. Re-examination, reconsideration and allowance of the subject application in view of the amendments and remarks set forth herein are respectfully requested.

Claims 7 and 21 have been amended to correct minor informalities. Claim 34 has also been amended and support for the amendment to claim 34 may be found throughout the specification. Claims 25-30 and 39-40 have been cancelled, without prejudice. Claims 1, 7, 13 and 19 have been amended to overcome the Examiner's formal objections thereto, and to define these claims over the art of record.

Claims 1-2, 5, 7-8, 13, 15, 18-19, 24-26, 29, and 31-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,415,382 to Kwan (hereinafter "Kwan") in view of U.S. Patent 6,105,130 to Wu et al. (hereinafter "Wu") and U.S. Patent 5,471,603 to Yokote et al. (hereinafter "Yokote"). Applicant respectfully submits this rejection is in error.

In this amendment, Applicant has amended independent claim 1 to require that the peripheral device comprises "an intelligent I/O subsystem comprising a processing unit", and that the peripheral device is capable of initiating an agent to reside on the host processing system. Also, Applicants have amended independent claim 1 to require that the agent is "capable of detecting a predetermined event in said host processing system." Similar amendments can be found for Applicant's invention of independent claims 7, 13 and 19.

Both Kwan and Wu provide methods for allowing a user to select a desired disk drive used to initiate a computer boot process. The Examiner points to Kwan as teaching a host processing system comprising a nonvolatile memory (internal hard disk 114) and Random Access Memory (RAM) and a peripheral device (internal hard disk). The Examiner also points

to Kwan as teaching an initiating agent (ABS-2) to reside on the host processing system and that the agent includes logic to modify an interrupt vector address (disk number mapping 218) to specify execution of machine readable instructions at a location memory [fig. 4B] and logic to initiate a reset procedure at the host processing system in response to a predetermined event at the host processing system. Importantly, the Examiner relies on Kwan and Wu as teaching that the internal hard disk is the peripheral device.

To supply the missing teachings in Kwan, the Examiner points to Yokote as teaching an apparatus that uses a random access memory as a hard disk (RAM disk).

As noted above, Applicant has amended the independent claims currently pending to specify that the peripheral device is an intelligent I/O subsystem comprising a processing unit. In the claimed invention, the peripheral device initiates an agent to reside on the host processing system. It is the agent that, according to the claims:

1. Modifies an interrupt vector address to specify execution of machine-readable instructions at a location in the random access memory instead of at a location in the non-volatile memory; and
2. Initiates a reset procedure at the host processing system...in response to said predetermined event at the host processing system.

As the Examiner can appreciate, a disk drive (which the Examiner has characterized as the peripheral device in both Kwan and Wu and a RAM disk drive in Yokote) is incapable of initiating an agent to reside on the host system. Rather, a disk drive can only respond to specific data requests from the host system. For example, in Kwan, the host system calls ABS data from the disk. The host system then uses the ABS data to permit the user to select a disk drive from which to boot the host system. Nowhere does Kwan disclose or suggest that the disk can, of its

own accord, initiate an agent to reside on the host processing system, as required by Applicant's invention as currently claimed.

Indeed, as the Examiner can further appreciate, nowhere does Kwan, Wu or Yokote disclose or suggest a peripheral device that comprises an intelligent I/O subsystem that comprises a processing unit. Thus, the peripheral device (disk drive) provided by Kwan, Wu and Yokote cannot be capable of detecting a predetermined event in said host processing system, as further required by Applicant's invention of the independent claims.

In summary, nowhere does any combination of Kwan, Wu or Yokote disclose or suggest that (1) the peripheral device can initiate an agent to reside on the host processing system, and (2) that the peripheral device comprises an intelligent I/O subsystem comprising a processing unit which enables the agent to be capable of detecting a predetermined event in said host processing system. Thus, since these features are nowhere disclosed or suggested in any combination of Kwan, Wu or Yokote, it is respectfully submitted that these Examiner's rejection of claims 1, 7, 13 and 19, and all claims dependent thereon, is in error, and should be withdrawn.

The Examiner further applies Kwan, Wu and Yokote and further in view of Thompson (cipher 12, page 6), and Lichtman (cipher 15, page 7) to render obvious the remaining dependent claims 4, 6, 10, 12, 17, 20, 23, 28 and 30 not covered in the previous rejection. Each of these claims (the have not been cancelled) depend directly or indirectly from Applicant's invention of independent claims 1, 7, 13 or 19, as the case may be, and thus, must be read as incorporating the limitations of the independent claim (35 USC § 112, 4th paragraph).

Suffice to note that neither Thompson nor Lichtman et al. disclose or suggest the aforementioned limitations of the independent claims, to wit, a peripheral device that is capable of initiating an agent to reside on the host processing system, and a peripheral device that

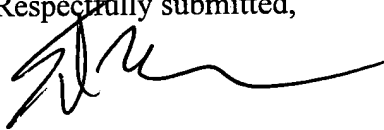
comprises an intelligent I/O subsystem comprising a processing unit that is capable of detecting a predetermined event in said host processing system.

Thus, it is respectfully submitted that no combination of these references could achieve or render obvious Applicant's invention of the independent claims, and thus, it is respectfully submitted that these rejections are also in error.

Accordingly, it is respectfully submitted that all currently pending claims should be allowed. In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event that there are fee deficiencies, or additional fees are payable, please charge, or credit any over payments to Deposit Account No. 50-2121.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund P. Pfleger', with a long horizontal flourish extending to the right.

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